



**TENNESSEE HUMAN RIGHTS COMMISSION
CENTRAL OFFICE
CORNERSTONE SQUARE BUILDING, SUITE 305
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May 21, 2004 Board Meeting Minutes

Commissioner's Present:

Commissioner Garrett
Commissioner Rogers
Chairman Wiggins
Commissioner Rodriguez
Commissioner Todd
Commissioner Smith
Commissioner Lewis
Commissioner Jones (via Phone)
Commissioner Horne (via Phone)
Commissioner Hodge (via Phone)
Commissioner Hakeem (via Phone)

Commissioner's Absent:

Commissioner Pride
Commissioner Kyles
Commissioner King
Commissioner Hammonds

Staff Present:

Amber D. Gooding, Executive Director
Scott Mayer, General Counsel
Shay Rose, Assistant Counsel
John Shacklett, Communications Assistant
Patricia Collier, Legal Assistant
Robert Bright, Housing Coordinator
Cynthia Howard, Communications Officer
Lisa Lancaster, Director's Assistant

Guests:

Mr. Rogers

Call to Order

Chairman Wiggins called the meeting to order at 10:00 am. Roll call was taken. Commissioner Lewis offered the invocation.

Minutes of Previous Meeting

Minutes of the March 2004 were reviewed and Commissioner Smith made a motion to accept, which was seconded by Commissioner Todd. A vote was taken and passed.

Announcements

Chairman Wiggins announced the replacement of Commissioner Garland King, whose term has expired. Thanks were voiced for the dedicated service of Mr. King over the last six years. Bishop Joseph Walker, Pastor of the Mt. Zion Church would be filling the open position on the board created by the exit of Commissioner Guess.

Communications Officer, Cynthia Howard was asked by Director Gooding to introduce new staff member, John Shacklett. He gave a brief outline of his employment history. He will be assisting in the Communications department and the board welcomed him.

Old Business

Director Gooding gave an update on the progress of the move from the current office space in the Cornerstone Square Building. The conditions of the Multiple Master lease were outlined. Finance & Administration's Department of Real Property Management has been working with the Landlord to improve the conditions of the office space on the 3rd and 4th floors occupied by the Human Rights Commission. She noted the new carpet that was installed in the hallways and outlined other projects scheduled to be completed in the future.

It was also noted that a group picture of the Commissioner's would be taken during the next meeting of the Board of Commissioner's.

New Business

Housing Coordinator, Robert Bright, from the Knoxville Office gave of report of the Housing cases closed since the last meeting. Mr. Bright also briefed the board on the Fair Housing Month activities in April.

Director Gooding informed the Board that no Employment Case Report would be given, due to the fact that Deputy Director, Sherree Hall, has taken a job with the TN Department of Transportation effective the end of April. Interviews have begun to fill the position and it was noted that candidates with a legal background were being sought.

Legal Updates

General Counsel, Scott Mayer, informed the Board that Floyd Kilpatrick's case against the Commission had been dismissed and no further action would be necessary. A brief update was then provided on six employment cases that he either been caused, or that appeared that they would result in cause findings.

Mr. Mayer then discussed an issue that had come up pertaining to the scope of coverage of the Tennessee Handicapped Act. A case has recently been filed with the Commission under the Handicapped Act in which the respondent employs less than eight employees, which is the required number of employees for the Tennessee Human Rights Act. The respondent's counsel expressed the opinion that the Commission was without jurisdiction in the matter. Mr. Mayer

indicated that the Handicapped Act is a separate statute that did not specifically address the number of employees required for coverage, and that there were Tennessee court decisions incorporating some of the definitions from the Human Rights Act into the Handicapped Act. However, no court has ruled on the issue of the number of employees required for coverage. Mr. Mayer indicated that unless and until a court ruled otherwise on the required number of employees, the Commission could arguably enforce the statute as written. Commissioner Garrett indicated that she supported such an approach, and the consensus of the Commission was that this Commission, as the state's anti-discrimination agency, should enforce the Act in a manner that provides the broadest coverage possible, unless and until a court definitely determines otherwise.

Associate Counsel, Shay Rose, reported on three cause Housing cases in the current inventory. Director Gooding noted that in a six-year period only one Housing case was caused by THRC and HUD has criticized the department for this issue in the past. The Housing division was praised for the improvement in the processing of housing cases.

Legal Assistant, Pat Collier reported on the current inventory of cases that are in the mediation process. It was noted that from October to December 2003 settlements were reached totaling \$54,000.

Executive Director's Report

Executive Director Amber Gooding reported that the Outreach and Education division has been very busy. Cynthia Howard, Communications Officer briefly shared the new housing and employment brochures that have been developed and placed on the website and are also available at the regional offices and other agencies around the state.

Director Gooding announced future plans. Many staff members will be attending both HUD training in Washington, DC and EEOC training in Miami, FL during the month of June. Personnel issues are ongoing and the turn around plans are nearly complete. The Annual Meeting will be held in the month of July and will be an orientation style agenda with presentations to the Commissioners on the policy and procedures of the THRC. A twelve-month calendar will be provided in the future and the Newsletter is due out next week.

With no further business to attend to, Chairman Wiggins called for the board meeting to be adjourned. Commissioner Rodriguez seconded the motion. The meeting was closed at 11:00 am.